

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1624.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Steve Starbuck</b>
<b>DATE OF COMPLAINT:</b>	<b>September 27, 2000</b>
<b>DATE OF REPORT:</b>	<b>November 2, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>May 23, 2001</b>

**COMPLAINT ISSUES:**

Whether the Monroe County Community School Corporation violated:

511 IAC 7-27-12(m)(4) with regard to the school's alleged failure to ensure that the parent was involved in the decision to terminate the student's placement at the private residential facility.

511 IAC 7-27-12(m)(6) with regard to the school's alleged failure to ensure that the private residential facility implemented the student's individualized education program (IEP) as written, specifically, failing to implement the behavioral intervention plan.

511 IAC 7-27-4(a)(4) with regard to the school's alleged failure to convene a case conference committee (CCC) meeting when a change of placement is proposed or is being considered.

The Complaint Investigation Report was originally due on October 27, 2000; however, due to the need to obtain additional information from the school, an extension was approved by the state director of special education extending the deadline until November 3, 2000.

**FINDINGS OF FACT:**

1. The student is seven years old and attends school at an out-of-state private residential facility. He has been determined eligible for special education due to a hearing impairment and a communication disorder. His placement is through the local school.
2. The parent alleges in his letter of complaint that a unilateral decision was made on September 25, 2000, by staff of the private residential facility to remove his child from the residential portion of the student's special education placement. Records from the private residential facility reflect that a staff meeting was convened on September 18, 2000, where facility staff agreed that the student was not an appropriate residential candidate. The parents did not attend this meeting, but were advised of the staff's recommendations via a telephone call on September 18, 2000. During the September 18<sup>th</sup> telephone conversation, it was determined that some of the student's behavior issues could be due to a recent illness and that the student could remain at the dormitory on a probationary basis. On September 19, 2000, the student's father called the special education planning district and asked the early childhood teacher/coordinator what responsibility the planning district had in regard to the student's living arrangements at the private residential facility. The teacher/coordinator informed the student's father that outside of the alternative residential agreement, she was unaware of any provisions, but would make some calls and get back with him. The teacher/coordinator did not return a telephone call to the parent until October 2, 2000.

According to a statement provided by the director of residence at the private residential facility, the student's mother left a voice mail for the director of residence and one at the dormitory on September 23, 2000, that indicated the student's parents had decided to remove the student from the dormitory and that the father would pick up the student's belongings on September 25, 2000. From the documentation provided, there is no indication that staff from the special education planning district ever advised the staff at the private residential facility that change of placement decisions are made by CCCs, and that in this situation the facility did not have the authority to propose removal of the student from the dormitory without first convening a CCC meeting.

3. The parent alleges in his letter of complaint that staff at the private residential facility failed to implement the student's behavior intervention plan. Although a behavior plan was part of the student's IEP for the current school year, the director did not provide any information to document that the student's behavior intervention plan was implemented by the staff at the private residential facility.
4. The special education planning district acknowledges that on September 19, 2000, the student's father questioned the authority of the facility to make a unilateral decision regarding whether or not the student could reside in the dormitory. A CCC meeting was not convened until October 20, 2000, where it was determined the student would remain enrolled in school at the private residential facility, but would reside with paternal grandparents who live a short distance from the facility. From September 25, 2000, to October 20, 2000, the student attended school at the private residential facility and stayed with his grandparents.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates the school failed to ensure the parents were involved in the proposed decision to terminate the student's residential portion of the student's special education placement. Therefore, a violation of 511 IAC 7-27-12(m)(4) is found.
2. Finding of Fact #3 reflects the school failed to provide information to document that staff at the private residential facility implemented the student's behavior intervention plan as written. Therefore, a violation of 511 IAC 7-27-12(m)(6) is found.
3. Finding of Fact #4 indicates the school failed to convene a CCC meeting when a change of placement was being proposed or considered. Therefore, a violation of 511 IAC 7-27-4(a)(4) is found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Monroe County Community School Corporation shall:

1. Obtain from the private residential facility and submit to the Division quarterly progress reports regarding the student's behavior at school and information on how the student's behavior intervention plan is being implemented. The first progress report shall be submitted to the Division on November 22, 2000, and then quarterly by the 22<sup>nd</sup> day of the month for the time the student remains enrolled at the private residential facility for the current contract period.
2. In-service all appropriate school corporation personnel as to the requirements specified in 511 IAC

7-27-4(a) and 511 IAC 7-27-12(m). Submit documentation to the Division that the in-service training has been completed no later than November 22, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

3. Send a memorandum to all staff members at the private residential facility who attended the student's staff meeting on September 18, 2000, advising them of the requirements specified in IAC 7-27-4(a) and 511 IAC 7-27-12(m). Include with the memorandum a signature page for the facility staff members to sign to indicate they have received a copy of the memorandum. Submit a copy of the memorandum and the completed signature page to the Division no later than November 22, 2000.